

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6053

BILL NUMBER: SB 37

NOTE PREPARED: Jan 25, 2006

BILL AMENDED: Jan 24, 2006

SUBJECT: Miscellaneous Election Law Changes.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

Statewide Voter Registration List Fee- The bill provides that the fee a person must pay to receive a complete compilation of voter registration information contained in the statewide voter registration list is an annual fee and includes the price for receiving updates of voter registration information throughout the year.

Filing Deadline- The bill provides that an election official may not receive an election law filing that is offered to be filed after a deadline for the filing unless election law provides for the filing after the deadline.

Third-Party Legislative Office Vacancies- The bill provides that a vacancy in a legislative office last held by an individual who was not a member of a major political party shall be filled in a special election.

Precinct Boundary Changes- The bill permits the Co-Directors of the Election Division to set a deadline for a county to submit a proposed precinct establishment order if the county wishes the order to take effect before the next deadline for proposed precinct changes. It makes other changes in the administrative process to approve precinct boundary changes. The bill requires the county executive to file a copy of an approved precinct establishment order with the county auditor. The bill provides that a precinct establishment order issued after June 30, 2005, complies with certain polling place accessibility requirements if the order: (1) includes a statement that the precinct meets the requirements; or (2) states that before April 1, 2006, the county will designate a polling place for the precinct that meets the requirements.

Transfer of Data- The bill conforms statutes to recognize the requirement in current law for electronic

transmittal of data between license branches and the statewide voter registration list.

Voting Systems- The bill makes provisions concerning use of previously state certified voting equipment, declaration of candidacy filings, and school board election tie votes effective for the May 2006 primary. The bill establishes October 1, 2005, as the beginning date for the voting system certification term to conform provisions concerning voting system certifications with 2005 legislation.

Pilot Vote Centers- The bill authorizes the Secretary of State to establish a pilot program of vote centers.

Recount Petitions and Deadlines- Conforms certain deadlines for filing recount cross-petitions and other recount deadlines with 2005 legislation.

Miscellaneous Provisions- The bill removes or repeals expired, superseded, or obsolete provisions of election law. The bill corrects erroneous cross-references. This bill makes technical changes. It updates election schedules. The bill specifies certain deadlines concerning write-in candidates in a school board election held at the same time as a primary election. It removes a one day overlap in the campaign finance reporting schedule for statewide candidates. This bill specifies that a candidate for nomination to a statewide office at a state party convention is required to file quarterly reports and not an additional "late convention" report.

The bill removes some of the changes to a ballot instruction for voters casting votes for candidates in local "at large" races. The bill specifies procedures for making voting systems available at the polls for a voter who initially marks a ballot for a write-in candidate, but wants to vote for a candidate on the ballot instead. The bill continues a requirement that each county have at least one accessible voting system for use at each polling place. The bill restores an expired provision authorizing voting equipment reimbursements for certain counties.

(The introduced version of this bill was prepared by the Census Data Advisory Committee.)

Effective Date: Upon passage; January 1, 2006 (retroactive); July 1, 2006.

Explanation of State Expenditures: (Revised) *Precinct Boundary Changes-* The bill would allow the Election Division Co-Directors to request a hearing of the Election Commission for a precinct boundary change under certain circumstances. It is likely that the Election Commission, if any hearings were necessary, could incorporate the request within the course of a regularly scheduled meeting of the Commission.

Pilot Vote Centers- The Secretary of State would be allowed to designate up to three counties for a vote center pilot program. The Secretary would have until October 1, 2006, to designate a county or counties to participate in the program.

The program would require counties to submit a detailed plan for the implementation of a vote center, that the Secretary of State would be required to study. The Secretary would have to determine if a county plan would produce a secure electronic connection that would prevent a voter from voting twice and prevent the unauthorized access to poll lists. The Secretary would also have to determine if the equipment and election officers would provide the most efficient access for voters and allow other authorized personnel to perform their duties.

The pilot vote center program would expire December 31, 2009.

Explanation of State Revenues: *Statewide Voter Registration List Fee-* Under current law, the Election Division charges \$5,000 per compilation of the voter registration list. The bill would annualize the compilation fee to cover updates to the list in a given year.

Background Information: Three applications for a compilation were received by the Election Division in FY 2005. Total revenue collected was \$15,000.

Explanation of Local Expenditures: *Third Party Legislative Office Vacancies-* Under the bill, a special election would fill a legislative office previously held and vacated by a member of a third party. If the vacancy were to occur within 30 days of a general election, a special election would not be conducted.

Background on Election Expenses: Expenses to run an election include: precinct election board per diem, preparation of ballots (if optical-scan voting systems are used), rental of a facility for polling (if necessary) and/or voting equipment (if necessary). For the 2004 general election, optical-scan ballots cost \$0.29 per ballot or \$290 per one thousand ballots. Based on a small sample of Indiana counties, per diem for election board members ranges from \$65 to \$150 for inspectors and from \$40 to \$100 for judges, clerks, and sheriffs.

Background on Special Elections and the General Assembly: Research of election data reveals 17 special elections were conducted within the time period of 2001 to 2005. The 17 special elections were conducted for either a local or school office. Historical study of the Indiana General Assembly indicates that from 1930 until 1970, no third-party candidates were elected to either the Indiana House or Senate. Between 1890 and 1930, 17 third-party candidates were elected to the General Assembly.

Precinct Boundary Changes- A county executive must send a copy of a precinct establishment order to the circuit court clerk or board of registration under current law. Therefore, this provision should present a minimal increase in administrative time and cost to produce a copy of an order for the county auditor.

(Revised) *Pilot Vote Centers-* This provision would generate an indeterminable impact to local expenditures. The impact would depend on the counties selected to participate in the pilot program, including the equipment (particularly computer hardware and software), personnel, and the number of vote centers the selected counties would need to meet the specifications of their vote center plans.

The county executive in a chosen county would be required to print notices of their vote center's location. A selected county would be required to conduct an election at the vote center under state and federal law. Each county selected would have to provide a vote center for every 10,000 active registered voters in the county (including any fraction of 10,000 active voters.)

In order to initiate a proposal to be selected, a county would have to have the unanimous vote of their election board to forward an application to the Secretary of State.

This impact statement will be updated as additional information becomes available.

Explanation of Local Revenues:

State Agencies Affected: Secretary of State; Election Division; Bureau of Motor Vehicles.

Local Agencies Affected: Counties.

Information Sources: Brad King, Co-Director, Indiana Election Division, 232-3939; various county election boards/registration offices; Election Systems and Software (317) 913-0230; Indiana Election Division; Justin E. Walsh- *The Centennial History of the Indiana General Assembly (1816-1978)*.

Fiscal Analyst: Chris Baker, 317-232-9851.